

Borough of Rocky Hill

Council Minutes

September 20, 2010

A regular meeting of the Rocky Hill Borough Council was called to order by Mayor Edward Zimmerman at 7:30 P.M. followed by the Pledge of Allegiance to the Flag of our Country and a moment of silent meditation for Trish Smires and Carlo Perantoni. It was announced that this meeting has been advertised in the Courier News and Somerset Spectator issue of January 6, 2010 in accordance with "The Open Public Meetings Act".

Roll Call: *Banks, Donahue, Goldman, Hasser, Pausch, and Steen Present*

Mayor's Comments:

Mayor Zimmerman said he would move the Rescue Squad up on the agenda. He attended the NJ Mayor's Conference Friday September 17, 2010 at the Governor's mansion in Princeton. Some good news on the School Board Issue there will be a conference on Tuesday with our Attorney and the Judge... Hopes to have a sewer agreement meeting with Montgomery Twp. September 29, 2010. Stated Council needs to discuss a possible 9-11 memorial for next year the tenth anniversary. Mayor Bianculli was recently honored by the Mary Jacobs Library. Veterans Day celebration will be Sunday November 14, 2010, 1:00PM at Panicaro Park.

Minutes

The minutes of the August 16, 2010 meeting of Borough Council were approved with two small corrections with a motion by Ms. Goldman, 2nd by Ms. Hasser. On a roll call vote all present voted aye.

Public Comment

Mr. Moore asked when the town clean up would be and was told the third Tuesday in October, the 19th. He also said Council needed to see what piece of metal they would want for the 9-11 memorial before a design could be made.

Rescue Squad Report:

Mayor Zimmerman stated he and Mr. Pausch had met with Capt. Seeley earlier and presented about seven points they would like discussed. Capt. Steve Seeley said call response has improved greatly and they have four new EMT's and one working on certification. The Squad is trying a new method standby duty for calls and possibly receiving LOSAP points for standby. They are planning a membership drive soon. Capt. Seeley presented Mayor Zimmerman with a copy of the Squad's by-laws. Mr. Pausch asked if continued recruitment is ongoing and was told yes. Princeton Squad is back up for Rocky Hill and there is a concern because Princeton bills for their service and Mayor Zimmerman is concerned seniors who do not have insurance may pay for the service with limited resources. Ms. Goldman asked about record keeping and was told it

Approved 10/04/10

has and will improve. CFO Monzo will contact our auditor about the Squads financial files. Mayor Zimmerman thanked Capt. Seeley for his report.

State Police Report:

Lt. Grillon is the new Commander at Kingwood Station and reported five activity calls for August 2010.

Engineer's report

A copy is on file with the Clerk. Mr. Tanner stated Montgomery Twp. has no money left to install locks on the restrooms doors at Van Horne Park. He received a quote from JML Landscaping of \$1900.00 to repair drainage problem at Van Horne Park. Final vouchers need to be submitted to DOT for Hickory Ct. and Washington St. A motion was made by Ms. Goldman, 2nd by Mr. Banks to authorize Mr. Tanner to go out for bid for the 2010 road projects.. On a roll call vote all present voted aye. Council will receive quotes for brush and limb PU on Oct. 4, 2010 and the PU will be Oct. 21st. Town clean up will be Oct. 19th. Leaf PU bids will be received on October 18, 2010 and 1st PU will be October 25, 2010. The sewer meter will be installed in December. We may be able to receive from the County a demonstration of a blinking crosswalk sign to be installed at the east end of Crescent Avenue and Rt. 518.

The county weekend workers will be in the Borough Saturday September 26, 2010.

CFO, Tax Collector, and Court Adm. Reports

CFO report received with a motion by Ms. Goldman, 2nd by Mr. Banks. On a roll call vote all present voted aye.

Tax Collector & Court Adm. Reports were accepted as presented with a motion by Ms. Goldman, 2nd by Mr. Banks. On a roll call vote all present voted aye.

Bill List

Ms. Goldman presented the following RESOLUTION:

WHEREAS THE TREASURER HAS CERTIFIED THAT SUFFICIENT FUNDS ARE AVAILABLE TO PAY SAID VOUCHERS: BE IT THEREFORE RESOLVED THAT THE FOLLOWING VOUCHERS BE APPROVED FOR PAYMENT. 2nd by Mr. Steen. On a roll call vote all present voted aye. BILL LIST of September 20, 2010

Committee reports

Administration & Records: Ms. Goldman stated Mr. Steen is doing most of the website work. She is still working on code revisions. She stated Clerk Newman said we could save money on Ordinance publication if we subscribed to the Courier News. A motion was made by Ms Goldman, 2nd by Mr. Banks to have Ms Newman subscribe to the Courier News and Voucher the Borough. On a roll call vote all present voted aye...

Buildings & Grounds: Mr. Donahue reported that the gear mechanicals for the tennis courts have been ordered. Someone apparently put brush on Mr., Donato's property next to Panicaro Park.

Finance & Insurance: No report

Approved 10/04/10

Public Safety/ Emergency Services: Mr. Pausch reported he has contacted Lt. Gillon NJ State Police about setting late night patrols to catch large trucks (double trailers) going through town.

Streets & Roads: Ms Hasser said she will be taking a sign inventory of the Borough soon and will look into having a Princeton Avenue street sign installed at Princeton and Rt. 518. She will also look into missing street light in front of 41 Washington St.

Water, Sewer, & Environmental Protection: Mr. Steen reported that 2,800,000 gallons of water were pumped during August and it is higher than usual. Also the State said we failed to do a certain test; but Mr. Merk contacted them and showed the results and everything is O.K. now.

Council Rep. to Planning Board: Ms. Goldman reported that the board approved new siding for 25-27 Crescent Avenue and conducted some regular business.

Council Rep. to School Committee: Mr. Donahue stated his wife maybe interested in serving on the school board if a position comes up.

Council Rep. to Rec. Committee: No report

Council Rep. to Board of Health: Ms. Goldman said the County Bd of Health is concerned about abandon wells in Rocky Hill and one on Borough land behind 9 Toth Lane may be a problem.

Zoning Official: No report

Grants Committee: No report.

Special Business

ORDINANCE REVIEWS: Ms Goldman stated two Ordinances are ready for introduction and should be introduced tonight. They are an Ordinance to amend chapter 103 food handling and An Ordinance repealing all of chapter 133 "titled Peace and Good Order".

After some discussion ORDINANCE 6-2010 AN ORDINANCE AMENDS CHAPTER 103, FOOD HANDLING ESTABLISHMENTS was introduced with a motion by Ms. Hasser, 2nd by Mr. Donahue. On a roll call vote all present voted aye.

After some discussion ORDINANCE 7-2010 AN ORDINANCE TO REPEAL IN ITS ENTIRETY CHAPTER 133, TITLED "PEACE AND GOOD ORDER was introduced with a motion by Ms. Goldman, 2nd by Mr. Banks. On a roll call Mr. Banks, Ms. Goldman, Ms. Hasser, Mr. Pausch, and Mr. Donahue voted aye. Mr. Steen voted no.

The Public Hearing and final adoption for both ORDINANCES will be held on Monday October 4, 2010 at 7:30PM.

Communications

Were reviewed and ordered filed

Unfinished Business

Covered earlier in the meeting.

New Business

RESOLUTION 64- 2010 BEST PRACTICE CHECKLIST. Moved by Ms. Goldman, 2nd By Mr. Banks. On a roll call vote all present voted aye.

Approved 10/04/10

RESOLUTION 65-2010 AUTHORIZING PETTY CASH FUND. Moved by Mr. Banks, 2nd By Ms. Hasser. On a roll call vote all present voted aye

RESOLUTION 66-2010 RADIFYING ADDITIONAL FUNDS FOR SCHOOL BOARD LITIGATION. Moved by Ms. Goldman, 2nd By Mr. Banks. On a roll call vote all present voted aye

PUBLIC HEARING AND FINAL ADOPTION ORDINANCE 4-2010 AN ORDINANCE TO AMEND CHAPTER 185 "VEHICLES AND TRAFFIC, OF THE CODE OF ROCKY HILL. Mayor Zimmerman opened the Public Hearing there being no comment the Mayor closed the Public Hearing and Ms. Hasser moved, 2nd By Mr. Pausch to adopt in final form ORDINANCE 4-2010. On a roll call vote all present voted aye.

PUBLIC HEARING AND FINAL ADOPTION ORDINANCE 5-2010 AN ORDINANCE TO REPEAL CHAPTER 36 "SHADE TREE COMMISSION AND AMEND CHAPTER 181, "TREES OF CODE OF THE BOROUGH OF ROCKY HILL. Mayor Zimmerman opened the Public Hearing, there being no comments the Mayor closed the Public Hearing and Ms. Goldman moved, 2nd By Mr. Banks to adopt in final form ORDINANCE 5-2010. On a roll call vote all present voted aye.

A letter was read from First Reformed Church of Rocky Hill asking if they could close Reeve Road on Saturday October 16, 2010 from 9:00AM until 6:00PM to hold their annual "PIG ROAST". Ms. Goldman moved, 2nd BY Ms. Hasser to allow the street closing. On a roll call vote Ms. Goldman, Ms Hasser, Mr. Pausch, and Mr. Donahue voted aye. Mr. Banks and Mr. Steen abstained.

Mayor Zimmerman stated he received a letter from Marilyn Crane, 5 Princeton Avenue that the sidewalk in front of number one Princeton Avenue is raised up because of a large tree and should be corrected. Mr. Donahue will check out.

Public Comment

Ms Peggy Harris asked if any information about new property appraisals is available and was told it was not.

Adjournment

The meeting was adjourned at 9:55PM with a motion by Ms. Hasser, 2nd by Mr. Donahue. On a voice vote all present voted aye.

Respectfully submitted,

Raymond E. Whitlock Jr
Deputy Boro. Clerk.

Bills List 9-20-10

**List of Bills - (0810101001) CASH
UTILITY OPERATING**

Check#	Vendor	Description	Payment	Check Total
5894	404 - 1800 PRINTME.COM	PO 2904 2010 consumer water reports	1,048.64	1,048.64
5895	415 - AQUA PRO TECH LABS	PO 2900 water tests 8-3-2010	232.00	232.00
5896	71 - DIFRANCESCO BATEMAN PC	PO 2905 mont twp sewer agreement work	135.00	135.00
5897	98 - HESCO ELECTRIC SUPPLY	PO 2902 emer battery water dept	34.20	34.20
5898	321 - MIRACLE CHEMICAL CO	PO 2908 chlorine for water dept	57.40	57.40
5899	163 - MONTGOMERY TOWNSHIP	PO 2646 2009 Sewer Fee Due per agreement	65,000.00	65,000.00
5900	450 - ONE CALL CONCEPTS INC	PO 2899 one call service august 2010	2.14	2.14
5901	210 - PSE&G	PO 2898 water dept electric	2,500.00	2,500.00
5902	259 - NEW JERSEY STATE TREASURER	PO 2903 Catastrophic illness fund	25.00	25.00
5903	311 - TIM LESKO	PO 2901 water dept maint	105.00	105.00
5904	286 - VAN CLEEF ENGINEERING	PO 2906 water sewer gen engineering	299.25	299.25
5905	286 - VAN CLEEF ENGINEERING	PO 2909 water sewer gen engineering work	337.25	337.25
5906	289 - VERIZON	PO 2907 water dpet phone	27.20	27.20
TOTAL				69,803.08

Total to be paid from Fund 08 UTILITY OPERATING

69,803.08

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69,803.08

List of Bills - (0110101001) CASH Current Fund

Check#	Vendor	Description	Payment	Check Total
6138	29 - BOLLINGER INC <i>void</i>	PO 2865 worker comp audit adj 2009	1,072.00	1,072.00
6139	29 - BOLLINGER INC	PO 2879 wc audit fees 20009 & 2010	2,057.00	2,057.00
6140	29 - BOLLINGER INC	PO 2885 cfo bond fee	225.00	225.00
6141	39 - CENTRAL JERSEY SECURITY	PO 2897 alarm monitoring 10-1 to 12-31-1010	87.00	87.00
6142	60 - COURIER NEWS	PO 2872 notice ord 4-2010 & 5-2010	691.62	691.62
6143	71 - DIFRANCESCO BATEMAN PC	PO 2876 legal fee through july 2010	1,380.00	1,380.00
6144	72 - DUO BLDG MAINTENANCE	PO 2886 sept 2010 boro hall cleaning	185.00	185.00
6145	81 - ROCKY HILL FIRE COMPANY NO 1	PO 2887 misc fire co, expenses	11,206.52	11,206.52
6146	83 - G & T Landscaping Inc	PO 2700 lawn care boro properties 2010	320.00	320.00
6147	354 - IKON Office Solutions Inc	PO 2892 copy machine rental sept 2010	116.35	116.35
6148	122 - KENCOR INC	PO 2884 bimonthly elevator insp.	73.00	73.00
6149	458 - MCCABE'S TREE EXPERTS	PO 2877 tree work for shade tree comm	875.00	875.00
6150	433 - MONTGOMERY TWP BD OF ED	PO 2878 october 2010 payment	204,042.00	204,042.00
6151	368 - MS. LINDA GOLDMAN	PO 2870 rack mount switch for borough compt	63.12	63.12
6152	173 - N J League of Municipalities	PO 2890 League Luncheon Mayor	35.00	35.00
6153	210 - PSE&G	PO 2882 panicaro park electric	6.20	6.20
6154	210 - PSE&G	PO 2889 street lights to 8-31-2010	657.45	657.45
6155	210 - PSE&G	PO 2893 panicaro park electric	31.82	31.82
6156	210 - PSE&G	PO 2894 crescent point park electric	6.39	6.39
6157	210 - PSE&G	PO 2895 boro hall electric	364.14	364.14
6158	319 - RARITAN VALLEY DISPOSAL INC	PO 2702 solid waste collection 6-01 to 12-3	3,808.49	3,808.49
6159	457 - REBECCA NEWMAN	PO 2871 registrars assoc dues 2010	25.00	25.00
6160	232 - RUTGERS UNIVERSITY	PO 2896 muni clerk course local elections	585.00	585.00
6161	440 - SCARINCI HOLLENBECK <i>void</i>	PO 2864 additional school bd work	2,000.00	2,000.00
6162	247 - SOMERSET COUNTY TREASURER	PO 2875 august 2010 health fee	927.58	927.58
6163	251 - SOUTH BOUND BROOK BOROUGH	PO 2881 police sevices 7-10-10 to 8-09-10 5	346.47	
		PO 2679 Resolution 2010-35 2010 Contract ma	3,822.39	4,168.86
6164	253 - SPRINT COMMUNICATIONS	PO 2883 mayor & clerk blackberry	176.74	176.74
6165	257 - US POSTAL SERVICE	PO 2880 two boxes forever window envelopes	536.60	536.60
6166	286 - VAN CLEEF ENGINEERING	PO 2867 invoices not paid pervious months	4,586.15	4,586.15
6167	286 - VAN CLEEF ENGINEERING	PO 2868 engineering servvices thruigh 8-1-	5,447.63	5,447.63
6168	286 - VAN CLEEF ENGINEERING	PO 2869 recycling work july 2010	501.75	501.75
6169	289 - VERIZON	PO 2873 emergency services phone	55.35	55.35
6170	289 - VERIZON	PO 2874 borough phone	188.87	188.87
6171	291 - VITAL SERVICES GROUP	PO 2891 items for assessor & tax collector	147.00	147.00
6172	297 - RAYMOND E. WHITLOCK JR.	PO 2888 fire prev box rent &postage	52.76	52.76

TOTAL

246,702.39

Total to be paid from Fund 01 Current Fund

246,702.39

246,702.39

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List of Bills - (1926005) INTERFUND - DUE CURRENT TRUST OTHER

Check#	Vendor	Description	Payment	Check Total
6173	71 - DIFRANCESCO BATEMAN PC	PO 2876 legal fee through july 2010	135.00	135.00
	TOTAL			135.00

Total to be paid from Fund 19 TRUST OTHER

135.00

135.00

**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**

RESOLUTION 2010-64

**Certifying that All Members Of
the Governing Body of the Borough of Rocky Hill,
Somerset County, Have Reviewed the Best Practices Checklist Inventory as
promulgated by the Department of Community Affairs**

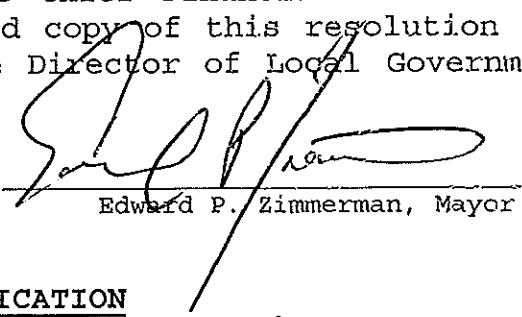
WHEREAS, Ch 35, PL 2010 states that the municipality shall submit by October 1, 2010 to the Director of the Division of Local Government Services a report describing the municipality's compliance with the "Best Practices Inventory" established by the Director of the Division of Local Government Services, and

WHEREAS, the Dept of Community Affairs established that Best Practices Inventory on August 25th, 2010, and

WHEREAS, the report is required to be signed by the Chief Financial Officer, and

WHEREAS, the members of the governing body have personally reviewed the Best Practices Inventory questions and the answers being submitted as evidenced by the group affidavit form of the governing body; and

NOW, THEREFORE, BE IT RESOLVED on this 20th day of September 20, 2010, that the Borough Council of the Borough of Rocky Hill hereby approves the Best Practices Inventory Checklist as submitted by the Chief Financial Officer and does hereby submit a certified copy of this resolution and the attached affidavit to the Director of Local Government Services.

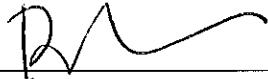


Edward P. Zimmerman, Mayor

CERTIFICATION

I, Rebecca P. Newman, Acting Borough Clerk of the Borough of Rocky Hill, do hereby certify the foregoing to be a true

and correct copy of a Resolution adopted by the Borough Council of the Borough of Rocky Hill on September 20, 2010.

A handwritten signature in black ink, appearing to be 'R. Newman', written over a horizontal line.

Rebecca P. Newman
Acting Borough Clerk

RESOLUTION 2010-65

BOROUGH OF ROCKY HILL
SOMERSET COUNTY


WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any county of municipality by application and resolution, and,

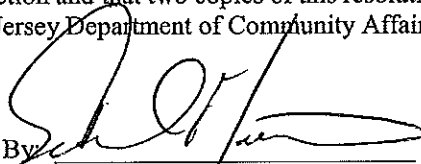
WHEREAS, it is the desire of the Borough of Rocky Hill, County of Somerset to establish such a fund for the Municipal Clerk in the amount of \$ 100.00; and

WHEREAS, the custodian for this fund is Rebecca Newman who is bonded for the amount of \$3,000.00; such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;

NOW, THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Rocky Hill, County of Somerset hereby authorizes such action and that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.


ATTEST:

By: 
Rebecca P. Newman
Acting Borough Clerk

By: 
Edward P. Zimmerman, Mayor

CERTIFICATION

I, Rebecca P. Newman, Acting Borough Clerk of the Borough of Rocky Hill do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on September 20, 2010.


Rebecca P. Newman
Acting Borough Clerk

Explanation: This Resolution authorizes continued representation of the Borough of Rocky Hill in Borough of Rocky Hill, et als. v. State of New Jersey, et als., Docket No. C-12051-09.

**BOROUGH OF ROCKY HILL
RESOLUTION NO. 2010 - 66**

WHEREAS, the Borough of Rocky Hill had agreed to participate in a law suit against the State of New Jersey, the New Jersey Department of Education, and the Somerset County Executive Superintendent, challenging the constitutionality of Assembly Bill A4141/S-3000 signed into law by Governor Jon Corzine; and

WHEREAS, the Borough Attorney determined that his firm appears to have a conflict regarding representing the Borough in this lawsuit; and

WHEREAS, Matthew J. Giacobbe, Esq., of Scarinci Hollenbeck had served as the Rocky Hill Board of Education's attorney; and

WHEREAS, Mr. Giacobbe also represented the Millstone Borough Board of Education, a participant in this lawsuit; and

WHEREAS, Mr. Giacobbe agreed to represent the Borough in this lawsuit at a rate of \$145.00 per hour, for a total amount not to exceed \$2,000.00 without Borough Council approval; and

WHEREAS, the costs for Mr. Giacobbe's services have exceeded the authorized amount of \$2,000.00; and

WHEREAS, on April 19, 2010, the Borough of Rocky Hill approved an additional expenditure of an amount not to exceed \$13,000 at a rate of \$145.00 per hour for Mr. Giacobbe's services to the Borough in this lawsuit; and

WHEREAS, the costs for Mr. Giacobbe's services have exceeded the additionally approved amount of \$13,000; and

WHEREAS, Mr. Giacobbe's services continue to be necessary to complete the lawsuit through its conclusion in the Superior Court of New Jersey, Chancery Division.

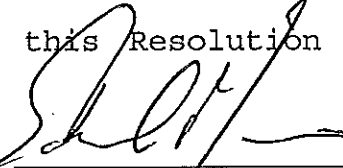
NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New

Jersey, does hereby approve the expenditure of an additional amount not to exceed \$2,000.00 at a rate of \$145.00 for Mr. Giacobbe's services to the Borough in this lawsuit; and

BE IT FURTHER RESOLVED that this contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq. but has been awarded based on the merit and ability of Matthew J. Giacobbe, Esq., and Mr. Giacobbe attests that neither he nor Scarinci Hollenbeck or its subsidiaries, assigns or principals controlling in excess of ten (10%) percent of the firm have made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any state, county or municipal committee of a political party; any legislative leadership committee; any continuing political committee; any candidate committee of a candidate for, or holder of, an elective office, when the contract is awarded; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the availability of funds for this award; and

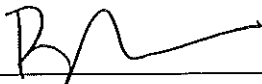
BE IT FURTHER RESOLVED that this Resolution takes effect immediately.



Edward P. Zimmerman, Mayor

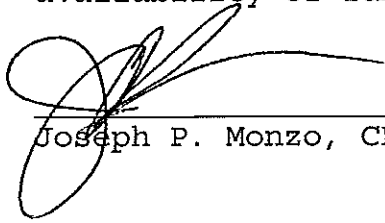
CERTIFICATION

I, Rebecca P. Newman, Acting Borough Clerk of the Borough of Rocky Hill, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Rocky Hill on September 20, 2010.



Rebecca P. Newman
Acting Borough Clerk

I, Joseph P. Monzo, Chief Financial Officer, hereby certify the availability of funds from: 01-300-60-900.

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a horizontal stroke extending to the right.

Joseph P. Monzo, CFO

Explanation: This ordinance amends Chapter 185, Vehicles and Traffic, of the Code of the Borough of Rocky Hill by adding two new Articles on "Intersection Sight Distances" and on "Parking on the Borough Hall Parking Lot when Snow Covered" to address concerns regarding pedestrian and traffic safety at intersections of a stop-controlled road entering a through road and in public parking areas.

Borough of Rocky Hill

Ordinance # 4, 2010

AN ORDINANCE AMENDING CHAPTER 185, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF ROCKY HILL BY ADDING TWO NEW ARTICLES ON "INTERSECTION SIGHT DISTANCES" AND ON "PARKING ON THE BOROUGH HALL PARKING LOT WHEN SNOW COVERED" TO ADDRESS CONCERNS REGARDING PEDESTRIAN AND TRAFFIC SAFETY AT INTERSECTIONS OF A STOP-CONTROLLED ROAD ENTERING A THROUGH ROAD AND IN PUBLIC PARKING AREAS.

BE IT ORDAINED, by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, that Chapter 185 of the Code of the Borough of Rocky Hill, titled "Vehicles and Traffic" is hereby amended as follows:

Section 1. Add an Article X entitled "Intersection Sight Distances" to read as follows:

§185-23. Sight Distance Requirement

- A. Owners of properties abutting a stop-controlled road entering a through road at intersections within the Borough shall maintain a sight triangle for vehicles entering the through road as necessary and expedient for the preservation of public safety, as set forth below.
- B. No obstruction to a sight triangle for vehicles, such as walls, fences, trees, brushes, hedges or other plant life on the properties as defined in §185-23 A above, shall be greater in height than thirty (30") inches within ten (10') feet of the stop controlled road and within twenty five (25') feet of any intersection. Further, if the Borough Engineer determines that a height of thirty inches (30") at any given intersection because of its topology still constitutes a safety hazard to

the passage of traffic, a lower maximum height will be established by resolution of the Borough Council for the properties that abut the specific stop controlled road.

- C. The area noted in §185-23 B above shall also be unobstructed to a height of eight feet (8') above the ground. Trees and other similar vegetation shall be pruned and maintained at a height of eight feet (8') above the ground.

§ 185-24. Notice of Violation.

If any property is in violation of the provisions of §185-23 above, the property owner shall be noticed of such fact by the Borough Constable. Thereafter, such property owner shall have ten (10) days after notice to correct such violation.

§ 185-25. Issuance of Summons or Complaint.

If such property owner shall fail to correct the violation of this Article within ten (10) days of the Borough Constable's notice of violation, it shall be the responsibility of the Borough Constable to issue a summons or complaint to the owner of the property for the violation of §185-23. Such summons or complaint shall be heard by the Municipal Court of the Borough of Rocky Hill.

§ 185-26. Continued Noncompliance.

In the event that the property owner continues to violate §185-23, the Borough Constable may issue a summons or complaint to the owner of the property ten (10) days after the initial notice of violation, and every seven (7) days thereafter. Each such summons or complaint shall be considered a separate and distinct violation.

§ 185-27. Removal by Borough; cost charged to property owner; collection.

- A. In case the property owner shall neglect or refuse to eliminate the cause of the violation within ten (10) days after notice to remove the same, the Borough of Rocky Hill may cause removal of the same.
- B. In all cases where said violation is remediated by the Borough of Rocky Hill under and by virtue of the provisions of this Article, the Clerk of the Borough of Rocky Hill shall certify the cost thereof to the Borough of Rocky Hill Council which shall thereupon examine the certificate and, if found correct, shall cause the cost as shown therein to be charged against the property.
- C. The amount so charged shall forthwith become a lien upon such land and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

§ 185-28. Violations and penalties.

Any person who violates any provision of this Article shall, upon conviction, be punished as provided in Chapter 1, General Provisions, Article I, General Penalty, herein. Each such summons or complaint shall be considered a separate and distinct violation.

Section 2. Add an Article XI entitled "Parking on the Borough Hall Parking Lot when Snow Covered" to read as follows:

§ 185-29. Parking Prohibited.

- A. Parking of any vehicle on any portion of the Borough Hall Parking Lot, located at 15 Montgomery Avenue, is prohibited whenever snow has fallen and the accumulation is such that it covers the Parking Lot.
- B. Said parking prohibition shall remain in effect after the snow has ceased and until the Parking Lot has been plowed.
- C. As used in this **§185-29**, the term snow shall mean any precipitation depositing any accumulation on the Parking Lot, including snow, sleet, hail, or freezing rain.
- D. Regulatory and warning signs shall be erected and maintained at the entrance of the Parking Lot.
- E. Any unoccupied vehicle parked or standing in violation of this section shall be deemed a nuisance, and any police officer or Borough Constable may provide for the removal of such vehicle. The owner of such vehicle shall pay the costs of the removal and storage that may result from such removal, before regaining possession of such vehicle.
- F. In the event that a vehicle must be towed, Chapter 178, entitled Towers and Towing, applies.

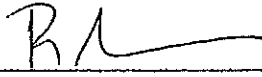
§ 185-30. Violations and penalties.

Any person who violates any provision of this Article shall, upon conviction, be punished as provided in Chapter 1, General Provisions, Article I, General Penalty, herein. Each violation shall be considered a separate offense.

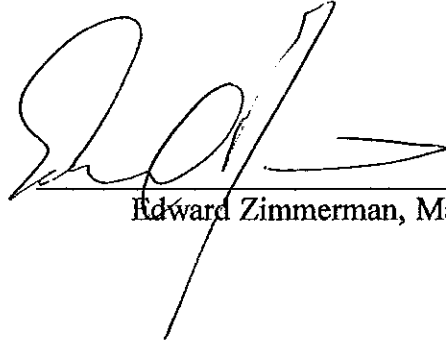
Section 3. Should any provision of this Ordinance be determined invalid by a court or administrative tribunal of competent jurisdiction, such determination shall not affect the remaining provisions.

Section 4. This Ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST:



Rebecca P. Newman
Acting Borough Clerk



Edward Zimmerman, Mayor

Introduced: August 16, 2010
Public Hearing Scheduled: September 20, 2010
Adopted: September 20, 2010

CERTIFICATION

I, Rebecca P. Newman, Acting Clerk of the Borough of Rocky Hill, do hereby certify the foregoing to be a true and correct copy of an ordinance introduced by the Borough Council of the Borough of Rocky Hill on August 16, 2010.



Rebecca P. Newman
Acting Borough Clerk

Explanation: This Ordinance repeals Chapter 36, Shade Tree Commission, of the Code of the Borough of Rocky Hill and amends Chapter 181, Trees, of the Code of the Borough of Rocky Hill to include the treatment or removal of trees, or parts thereof, where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard.

Borough of Rocky Hill

Ordinance # 5, 2010

AN ORDINANCE REPEALING CHAPTER 36, SHADE TREE COMMISSION, OF THE CODE OF THE BOROUGH OF ROCKY HILL AND AMENDING CHAPTER 181, TREES, OF THE CODE OF THE BOROUGH OF ROCKY HILL TO INCLUDE THE TREATMENT OR REMOVAL OF TREES, OR PARTS THEREOF, WHERE IT SHALL BE NECESSARY AND EXPEDIENT FOR THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY, GENERAL WELFARE OR TO ELIMINATE A FIRE HAZARD.

BE IT ORDAINED, by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, that the Code of the Borough of Rocky Hill is hereby amended as follows:

Section 1. Chapter 36, Shade Tree Commission, of the Code of the Borough of Rocky Hill is repealed in its entirety.

Section 2. Amend Chapter 181, Trees, of the Code of the Borough of Rocky Hill to read as follows:¹

§ 181-1. Findings.

The Borough of Rocky Hill finds and declares that the public health, safety and welfare require that the streets, sidewalks, walkways and traffic control signs within its borders be visible and free of obstruction in order to allow both vehicular and pedestrian traffic to travel freely and to allow for unimpeded access to emergency vehicles. Further, in accordance with N.J.S.A. 40:48-2.13, the Borough of Rocky Hill finds and declares that, where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, the Borough shall require that property owners treat, remove or destroy any diseased,

¹ **Editor's Note:** The portions to be deleted are shown with strike-outs and will be deleted from the codified version of this Ordinance and the underlined portions will remain in the codified version of this Ordinance.

dead or dying trees, or parts thereof, such as branches, stumps, or roots that constitute a public hazard.

§ 181-2. Injuring shade and ornamental trees.

Any person who shall break, cut, mutilate, injure or destroy any shade or ornamental tree or bush standing anywhere within the Borough of Rocky Hill, except the owner or his agent of such land upon which the shade or ornamental tree or bush is growing, shall be deemed to have violated this ~~article~~ Chapter.

§ 181-3. Property owner responsible for trimming trees overhanging streets.

It shall be the responsibility of the owner of the property adjoining a public street, sidewalk or walkway to trim all shade or ornamental trees or bushes on his property so that the branches of such trees or bushes shall not overhang or extend over such public street at a height of less than ten (10) feet and at a height of less than eight (8) feet above the surface of the sidewalk or walkway.

§ 181-3.1 Property owner responsible for treating or removing diseased or infected trees.

It shall be the responsibility of the owner of the property to administer treatment to, or remove, any tree situate upon private property which is believed to harbor a disease or insects readily communicable to neighboring healthy trees provided the suspected condition is first confirmed by certificate issued by or on behalf of the New Jersey Department of Agriculture.

§ 181-3.2 Property owner responsible for removing dying or dead trees, or parts thereof, dangerous to public safety.

A. It shall be the responsibility of the owner of the property adjoining a public street, sidewalk, or walkway to remove any dying or dead tree, or parts thereof, situate upon private property that constitutes a danger of falling on a Borough thoroughfare.

B. The Council of the Borough of Rocky Hill shall on complaint to the Council or on its own motion hire a certified arborist or tree care specialist to determine if dying or dead trees, or parts thereof, on private properties adjoining public thoroughfares constitute a danger to public safety. Such arborist or tree care specialist shall have the right to enter upon private property to make such inspections as are required after the Clerk of the Borough of Rocky Hill has sent a notice by certified mail to the owner of the property that visual inspection from a public thoroughfare has indicated that there are sufficient grounds to believe that a given tree or trees, or parts thereof, on the owner's property constitute a hazard to public safety and require an examination to determine what remedial actions are required to remove the danger to the public.

C. A copy of the report and recommendations of the arborist or tree specialist hired by the Borough to perform such tree inspections as are required to ensure the public safety of Borough thoroughfares shall be forwarded to the respective property owner by the Clerk of the Borough of Rocky Hill by certified mail.

§ 181-4. Notice to trim, treat, or remove; deadline for compliance.

If any such trees or bushes shall overhang such public street, sidewalk or walkway, as defined in § 181-3; or be diseased, as defined in § 181-3.1; or be dangerous to the public safety, as defined in § 181-3.2 above, the owner of such property upon which the said tree or bush ~~growing is~~ situate shall be noticed of such fact by the Borough Constable that such vegetation is not in compliance with this ~~Ordinance~~ Chapter. Thereafter, such owner shall have ten (10) days after notice to trim, treat, or remove the tree, or parts thereof, or bush or otherwise correct the violation of this ~~Ordinance~~ Chapter.

§ 181-5. Property owner responsible for trimming trees overhanging signs.

It shall be the responsibility of the owner of the property adjoining a public street, sidewalk or walkway to trim all shade or ornamental trees or bushes on his property so that the branches of such trees or bushes shall not overhang or cover any traffic control signal or sign, or any other sign.

§ 181-6. Issuance of summons or complaint.

If such owner shall fail to correct the violation of this ~~Ordinance~~ Chapter within ten (10) days of the Borough Constable's notice of violation, it shall be the responsibility of the Borough Constable to issue a summons or complaint to the owner of the property for a violation of this ~~Ordinance~~ Chapter and such summons or complaint shall be ~~triable in~~ heard by the Municipal Court of the Borough of Rocky Hill.

§ 181-7. Continued noncompliance.

The Borough Constable may issue a summons or complaint to the owner of the property ten (10) days after the initial notice of violation, and every seven (7) days thereafter, that the trees or bushes ~~continue to overhang such public street, sidewalk, walkway or sign to be in violation of this Chapter and such violation~~ shall be subject to the issuance of a separate summons or complaint to the owner of the property. Each such summons or complaint shall be considered a separate and distinct violation. ~~of this article.~~

§ 181-8. Notice to remove; deadline for compliance.

The owner of lands abutting or bordering upon the public street, sidewalk or walkway in the Borough of Rocky Hill shall trim, treat, or remove the tree, or parts thereof, or bush or otherwise correct the violation of this Chapter ~~from that part of the street, sidewalk or walkway abutting or bordering upon his respective lands~~ within ten (10) days after notice to remove the same.

§ 181-9. Removal by Borough; cost charged to property owner; collection.

A. In case the owner of any land abutting or bordering upon any such street, sidewalk, or walkway shall neglect or refuse to trim, treat, or remove such tree, or parts thereof, or bush

within ten (10) days after notice to remove the same, the Borough of Rocky Hill may cause removal of the same in accordance with N.J.S.A. 40:48-2.13.

B. In all cases where said tree(s), or parts thereof, or bush(es) is have been removed by the Borough from said street, sidewalk, ~~or~~ walkway, or private property under and by virtue of the provisions of this ~~Ordinance~~ Chapter, the Clerk of the Borough of Rocky Hill shall certify the cost thereof to the Borough of Rocky Hill Council which shall thereupon examine the certificate and, if found correct, shall cause the cost as shown therein to be charged against the lands abutting or bordering upon such public street, sidewalk or walkway.

C. In accordance with N.J.S.A. 40:48-2.14, the amount so charged shall forthwith become a lien upon such land and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.


§ 181-10. Violations and penalties.

A violation of this ~~Ordinance~~ Chapter shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, Article I, General Penalty, herein, and each violation of any of the provisions of this Chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense. ~~by a fine of not more than \$50 for each offense.~~

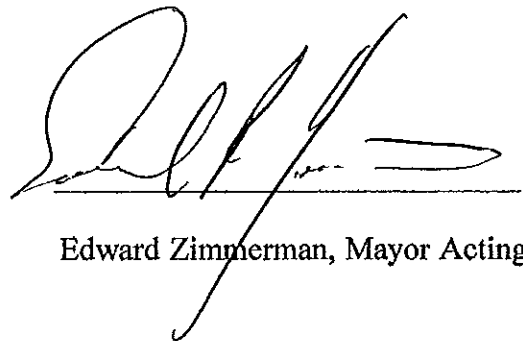
Section 3. Should any provision of this ordinance be determined invalid by a court or administrative tribunal of competent jurisdiction, such determination shall not affect the remaining provisions.

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ATTEST:



Rebecca P. Newman
Borough Clerk



Edward Zimmerman, Mayor Acting

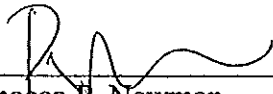
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Rebecca R. Newman
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